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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

TERRY, Alvin Mark

Serial No.: 10/714,529

Filed: November 14, 2003

Confirmation No.: 2211


Atty. File No.: 41942-05553

For: "CEPSTRAL DOMAIN PULSE
OXIMETRY"

) Group Art Unit: 3736

) Examiner: WINAKUR, Eric Frank

) AMENDMENT AND RESPONSE

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON: <u>1-23-06</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  Lori Lane</p>
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Mail Stop **AMENDMENT**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Applicant submits this Amendment and Response to address the Office Action having a mailing date of August 23, 2005. Based on the amendments and remarks presented below, reconsideration and further examination are requested. Although Applicant believes no additional fees are due in connection with amendments made herein, please charge additional claim fees due, if any, to Deposit Account No. 50-1419. Additionally, submitted herewith is a petition for a two-month extension of time under 37 C.F.R. 1.136, and a check in the amount of \$450.00 in payment of the associated extension fee. Please consider this a petition for any additional extension required to maintain the pendency of the application and charge any additional extension fees due, or credit any excess to Deposit Account No. 50-1419.

Please amend the application as indicated herein. Amendments to the Claims are indicated in the listing of claims that begins on page 2 of this paper. Applicant's remarks follow the listing of claims.